

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
CV 12-05541	DEC 29 2012	Northern District of California
PLAINTIFF Softvault Systems, Inc.		DEFENDANT NOVELL, INC.

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,249,868 B1	6/19/2001	Softvault Systems, Inc.
2 6,594,765 B2	7/15/2003	Softvault Systems, Inc.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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ORIGINAL FILED

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Electronic Filing
U.S. District Court
Northern District of California
San Jose

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SOFTVAULT SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SOFTVAULT SYSTEMS, INC.

Plaintiff,

vs.

NOVELL, INC.

Defendant.

CASE NO. **CV 12-05541 KAW**

**COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NOS. 6,249,868
AND 6,594,765**

JURY TRIAL DEMANDED

1 Plaintiff SOFTVAULT SYSTEMS, INC. files its Complaint against
2 Defendant NOVELL, INC., alleging as follows:

3 **THE PARTIES**

4 1. Plaintiff SOFTVAULT SYSTEMS, INC. ("SOFTVAULT") is a
5 corporation organized and existing under the laws of the State of Washington with
6 its principle place of business in the State of Washington.

7 2. Upon information and belief NOVELL, INC. ("DEFENDANT" or
8 "Novell") is a corporation organized and existing under the laws of the State of
9 Delaware, with its principal place of business in Provo, Utah. Defendant may be
10 served with process through its registered agent CT Corporation System, 818 West
11 7th Street, Los Angeles, CA 90017-3407.

12 **JURISDICTION AND VENUE**

13 3. This is an action for infringement of United States patents. This Court
14 has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

15 4. Upon information and belief, Novell is subject to personal jurisdiction
16 by this Court. Novell has committed such purposeful acts and/or transactions in
17 the State of California that it reasonably knew and/or expected that it could be
18 haled into a California court as a future consequence of such activity. Novell
19 makes, uses, and/or sells infringing products within the Northern District of
20 California and has a continuing presence and the requisite minimum contacts with
21 the Northern District of California, such that this venue is a fair and reasonable
22 one. Upon information and belief, Novell has transacted and, at the time of the
23 filing of this Complaint, is continuing to transact business within the Northern
24 District of California. For all of these reasons, personal jurisdiction exists and
25 venue is proper in this Court under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28
26 U.S.C. § 1400(b).

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1 **FIRST CLAIM FOR RELIEF**

2 **(Patent Infringement)**

3 9. SoftVault repeats and realleges every allegation set forth above.

4 10. SoftVault is the owner of the Patents-in-Suit with the exclusive right
5 to enforce the Patents-in-Suit against infringers, and collect damages for all
6 relevant times, including the right to prosecute this action.

7 11. Upon information and belief, Novell is liable under 35 U.S.C. §271(a)
8 for direct infringement of the Patents-in-Suit because it manufactures, makes, has
9 made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers
10 for sale products and/or systems that practice one or more claims of the Patents-in-
11 Suit.

12 12. More specifically, Novell infringes the Patents-in-Suit because it
13 manufactures, makes, has made, uses, practices, imports, provides, supplies,
14 distributes, sells, and/or offers for sale products and systems which prevent
15 unauthorized use of a computer system through the ability to enable or disable the
16 operation of a device's components through an authorization process performed by
17 an embedded agent in the component device and a server. By way of example
18 only, Novell's ZENworks software and specifically ZENworks Mobile
19 Management software, at a minimum, in the past directly infringed and continues
20 to directly infringe at least Claims 1 and 44 of the '868 Patent, as well as at least
21 Claim 9 of the '765 Patent.

22 13. Novell's ZENworks Mobile Management software includes the
23 capability to enable or disable a mobile device, such as a laptop or smart phone, to
24 prevent misuse of the system by rogue devices and/or rogue servers. The
25 ZENworks Mobile Management software includes a ZENworks Mobile
26 Management application that is installed on a mobile device and communicates
27 with ZENworks Mobile Management server. This communication includes a series
28 of message exchanges constituting a handshake operation between the Mobile

1 Management application and the ZENworks Mobile Management server. Through
2 these exchanges the ZENworks Mobile Management server can authenticate and
3 authorize a device in which the Mobile Management application is embedded.
4 When the Mobile Management application is authorized by the ZENworks Mobile
5 Management server, the mobile device operates normally and when the Mobile
6 Management application is not authorized, the mobile device is remotely locked
7 and disabled.

8 14. Novell has actual notice of the Patents-in-Suit at least as early as the
9 filing of this Complaint.

10 15. SoftVault has been damaged as a result of Novell's infringing
11 conduct. Novell is, thus, liable to SoftVault in an amount that adequately
12 compensates SoftVault for Novell's infringement, which, by law, cannot be less
13 than a reasonable royalty, together with interest and costs as fixed by this Court
14 under 35 U.S.C. § 284.

15 **PRAYER FOR RELIEF**

16 SoftVault requests that the Court find in its favor and against Novell, and
17 that the Court grant SoftVault the following relief:

- 18 a. Judgment that one or more claims of the Patents-in-Suit have been
19 infringed, either literally and/or under the doctrine of equivalents, by
20 Novell;
- 21 b. Judgment that Novell account for and pay to SoftVault all damages to
22 and costs incurred by SoftVault because of Novell's infringing
23 activities and other conduct complained of herein;
- 24 c. That Novell, its officers, agents, servants and employees, and those
25 persons in active concert and participation with any of them, be
26 permanently enjoined from infringement of the Patents-in-Suit. In the
27 alternative, if the Court finds that an injunction is not warranted,
28 SoftVault requests an award of post judgment royalty to compensate

for future infringement;

- d. That SoftVault be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Novell's infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award SoftVault its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That SoftVault be granted such other and further relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: October 26, 2012.

/s/ Benedict O'Mahoney

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